

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6757

BILL NUMBER: HB 1256

DATE PREPARED: Dec 20, 2000

BILL AMENDED:

SUBJECT: Protective Orders in Real Property Disputes.

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**FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL**

IMPACT: State & Local

Summary of Legislation: This bill requires the Division of State Court Administration to prescribe or approve a non-confidential form to be used by a petitioner: (1) to describe the allegations on which a request for a protective order is based; and (2) if a petitioner is requesting that the court order the respondent to refrain from entering or damaging real property, to indicate whether the petitioner knows or believes that the petitioner and the respondent are disputing who owns, or has a lease or easement to use, the real property. It requires the clerk of the court to separate the non-confidential form from the remainder of the petition and serve a copy of the form on the respondent. It allows a court to limit the scope of a protective order, if the court determines that the petition arises from a dispute involving ownership rights, leasehold rights, or easement rights concerning real property.

Effective Date: Upon passage; July 1, 2001.

Explanation of State Expenditures: This provision will have no fiscal impact on the Division because it already prescribes forms for other types of protective orders.

Explanation of State Revenues:

Explanation of Local Expenditures: In 1999, 21,066 petitions for protective orders were filed in courts of record statewide. The number of these protective order petitions filed in an attempt to establish a plaintiff's claim to real property is not known. Clerks of the court will incur the cost of duplicating the new non-confidential form for use by petitioners for protective orders.

Explanation of Local Revenues:

State Agencies Affected: Division of State Court Administration.

Local Agencies Affected: Courts of records; clerks of the court.

Information Sources: 1999 Indiana Judicial Report.